

REMARKS

Summary

Claims 1-41 are pending in the application, with claims 1, 12, 30, and 38 being the independent claims. Claims 1, 22, and 38 have been amended to more distinctly point out what is being claimed.

Drawing Objections

The drawings stand objected to because reference numbers 342, 369, 371, 375, and 393 were not defined in the specification. As requested by the examiner, the specification has been amended to include the missing reference numbers. Applicants believe that the amendments to the specification fully address the objections to the drawings and respectfully request reconsideration of the objections to the drawings.

Objections to the Specification

The specification stands objected to because reference numbers 342, 369, 371, 375, and 393 were not defined in the specification. As noted above, the specification has been amended to include the missing reference numbers. No new matter was added in amending the specification. Applicants believe that the amendments to the specification fully address the objections to the disclosure and respectfully request reconsideration of the objection.

Claim Rejections – 35 U.S.C. § 112

Claim 22

Claim 22 stands rejected under 35 U.S.C. § 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention claims. Claim 22 has been amended for purposes of clarification. Applicants respectfully request reconsideration of the rejection of Claim 22 under 35 U.S.C. § 112.

Claim Rejections – 35 U.S.C. § 102

The rejections of the independent claims are addressed first, followed by remarks addressed to the rejections of the dependent claims.

Independent Claim 1

Claim 1 stands rejected under 35 U.S.C. §102(b) as allegedly anticipated by WO 01/21067, Iasemidis et al (“Iasemidis”). Claim 1 has been amended to more distinctly point out what is being claimed. Claim 1, as amended, recites, in part:

choosing a selected predictor from amongst a plurality of possible predictors based on the level of entrainment of the critical channel groups associated with each predictor;
for the selected predictor, deriving a signal profile for one or more critical channel groups, each signal profile reflecting a level of correlation between the channels of each critical group;

In the rejection, the Examiner cited the following passage from Iasemidis:

After generating a phase space representation for each of the plurality of signals, a signal profile is derived for each of the plurality of signals, where each signal profile represents a level of chaoticity for each corresponding signal over time. Each of the signal profiles is then compared, and *one or more groups of signals are selected*, based on the comparison between their corresponding signal profiles.

(Iasemidis, p. 7, ll. 15-20, emphasis added.) The cited passage does not disclose choosing or using a selected predictor. Selecting one or more groups of signals is different from choosing a predictor. The Application discloses that “a predictor is a specific number of critical channel groups (G) in combination with a specific number of channels per channel group (K), given a total number of channels (N).” (Specification, ¶ 62.) In Iasemidis, the predictor is fixed throughout the process. Although Iasemidis discloses selecting one or more groups of signals, Iasemidis does not disclose choosing the number of critical channels that can be assigned to a particular critical channel group.

For at least this reason explained above, Applicants respectfully submit the cited reference does not teach the quoted claim recitation. Thus, Applicants submit that Claim 1 is patentably defined over the cited art and, accordingly, respectfully request that the rejection of Claim 1 be reconsidered.

Independent Claims 12

Claims 12 stands rejected under 35 U.S.C. §102(b) as allegedly anticipated by Iasemidis. In support of the rejection, the Examiner cited the following passage from Iasemidis:

Then, following each seizure, as indicated by the “YES” path out of decision step 345, a number of “critical” *channel pairs may be identified*, in accordance with procedural step 360, based on the average rate of divergence comparison accomplished, in accordance with procedural step 335, for each and every *pair of signals*.

(Iasemidis, p. 14, ll. 5-9, emphasis added.)

Claim 12 contains the following recitation:

choosing a selected predictor from amongst the plurality of predictors based on the level of entrainment of the critical channel groups associated with each predictor

The cited passage from Iasemidis does not disclose “choosing a selected predictor.” Rather, the number of channels per channel group is fixed at two.

Applicants respectfully submit that for the reasons explained above, the cited reference does not teach the quoted claim recitations. Thus, Applicants respectfully submit that Claim 12 is patentably defined over the cited art and, accordingly, respectfully request that the rejection of Claims 12 be reconsidered.

Independent Claims 30

Claims 30 stands rejected under 35 U.S.C. §102(b) as allegedly anticipated by Iasemidis. In support of the rejection, the Examiner cited the following passage from Iasemidis:

Identifying certain *channel pairs* as critical *channel pairs* is, as illustrated in the flowchart of FIG. 3, a post-seizure even that is based on the Lmax profile comparison data (i.e. the T index profiles) derived for each *channel pair* before, during and after a seizure.

(Iasemidis, p. 21, ll. 25-28, emphasis added.)

Claim contains the following recitation:

choosing a selected predictor from amongst a plurality of predictors

The cited passage from Iasemidis does not disclose “choosing a selected predictor.” Rather, the number of channels per channel group is fixed at two.

Applicants respectfully submit that for the reasons explained above, the cited reference does not teach the quoted claim recitations. Thus, Applicants respectfully submit that Claim 30 is patentably defined over the cited art and, accordingly, respectfully request that the rejection of Claims 30 be reconsidered.

Independent Claim 38

Claim 38 stands rejected under 35 U.S.C. §102(b) as allegedly anticipated by Iasemidis. Claim 38 has been amended to more distinctly point out what is being claimed. Claim 38, as amended, recites in part:

means for choosing a selected predictor from amongst a plurality of possible predictors;
means for deriving a signal profile for each of a number of critical channel groups associated with the selected predictor, each signal profile reflecting a level of entrainment among the channels of each critical channel group

In support of the rejection, the Examiner cited the following passage from Iasemidis:

... in accordance with procedural step 325, where the rate of divergence reflects the level of chaoticity associated with the corresponding signal. In addition, an average rate and standard deviation of divergence is periodically derived for each signal, in accordance with step 330, wherein each average rate of divergence value is based on numerous rate of divergence values within a “sliding” time window. The average rate of divergence values associated with each signal are then compared to the average rate of divergence values associated with each of the other signals, as shown in procedural step 335, using a statistical measure (e.g. T-index).

(Iasemidis, p. 13, ll. 21-26.)

The cited passage from Iasemidis does not disclose “means for choosing a selected predictor.” Rather, the passage describes comparing the average rate of divergence values associated with each signal with the average rate of divergence values associated with each of the other signals, i.e., comparing average rate of divergence values for *pairs of signals*.

Applicants respectfully submit that for the reasons explained above, the cited reference does not teach the quoted claim recitations. Thus, Applicants respectfully submit that Claim 38 is patentably defined over the cited art and, accordingly, respectfully request that the rejection of Claims 38 be reconsidered.

Dependent Claims 2, 6 -11, 13 - 24, 26 – 29, 31, 32, 34-37, and 39 - 41

Claims 2, 6 – 11, 13 – 24, 26 – 29, 31, 32, 34 – 37, and 39 – 41 stand rejected under 35 U.S.C. §102(b) as allegedly anticipated by Iasemidis. Claims 2 and 6 – 11 depend, directly or indirectly, from Claim 1. Claims 13 – 24 and 26 – 29 depend, directly or indirectly, from Claim 12. Claims 31, 32, and 34 – 37 depend, directly or indirectly, from Claim 30. Claims 39 – 41 depend, directly or indirectly, from Claim 38. Applicants respectfully submit that for the reasons explained above with respect to independent Claims 1, 12, 30 and 38, dependent

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PATENT

Claims 2, 6 -11, 13 - 24, 26 – 29, 31, 32, 34-37, and 39 – 41 are patentably defined over the cited art and, accordingly, respectfully request that the rejection of these claims be reconsidered.

Claim Rejections – 35 U.S.C. § 103

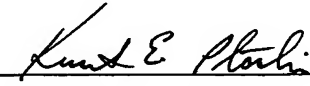
Claims 3 – 5, 25, and 33 stand rejected under 35 U.S.C. § 103 as allegedly unpatentable over Iasemidis in view of U.S. Patent No. 5,365,939 (“Ochs”). Claims 3 – 5 depend, directly or indirectly, from Claim 1. Claim 25 depends indirectly from Claim 12. Claim 33 depends indirectly from Claim 30. Ochs does not teach or suggest a predictor, chosen from a plurality of predictors. Applicants respectfully submit that for the reasons explained above with respect to independent Claims 1, 12, and 30, the dependent Claims 3 – 5, 25, and 33 are patentably defined over the cited art and, accordingly, respectfully request that the rejection of these claims be reconsidered.

Conclusion

Applicant submits that the amendments to the specification submitted herein fully address the objections to the drawings and to the specification. Applicants request that the objections to the drawings and to the specification be reconsidered.

Claims 1 – 41 are pending in the Application. Applicant respectfully submits that the pending claims are patentably defined over the cited art. Reconsideration of the claim rejections and allowance of all pending claims is earnestly solicited.

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